

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 24939

PERMIT 17127

LICENSE _____

**ORDER DIRECTING DIVISION OF PERMIT,
ISSUANCE OF SEPARATE CORRECTED PERMITS,
REVOCATION OF THE ORIGINAL PERMIT,
APPROVAL OF A NEW DEVELOPMENT SCHEDULE
AND AMENDING THE PERMITS**

WHEREAS:

1. Permit 17127 was issued to William L. Smith on February 14, 1978 pursuant to Application 24939.
2. Permit 17127 was subsequently assigned to William L. Smith and Sally L. Smith; Mathilde Albers, and Irving Loube, a Partnership (William L. Smith et al).
3. A portion of the Solano Ranch was sold by the William L. Smith et al partnership to the Potrero Hills Landfill, Inc. and a partial assignment of Permit 17127 was made accordingly on April 28, 1987. The existing onstream Emmington Barn Reservoir and NW Emmington Pond remained under the ownership of the Smith partnership and the site of the formerly identified onstream Pit Pothole Reservoir (removed after filling with silt) is now under the Potrero ownership.
4. The project was inspected by an engineer of the Board's staff on April 7, 1987. He recommended that minor corrections be made in some of the points of diversion, place of use (reservoir location) description, distribution of storage, and character of use (addition of incidental uses under Section 798, Title 23, California Code of Regulations).
5. The above corrections are reasonable and necessary to accurately describe the reservoirs involved in this project.
6. Division of Permit 17127 will facilitate separate actions by the Board on, (1) request for license by William L. Smith, et al and (2) a petition for an extension of time to allow Potrero Hills Landfill, Inc. the opportunity to rebuild its reservoir at the Pit Pothole site.
7. The Board has determined this division of the permit and accompanying corrections are appropriate and will not operate to the injury of any other legal water user.
8. The Potrero Hills Landfill, Inc. has proceeded with diligence and good cause has been shown for an extension of time.
9. Permit Condition 10 pertaining to the continuing authority of the Board should be updated to conform to Title 23, California Code of Regulations, Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

1. Permit 17127 be replaced by Permit 12127A, issued to William L. Smith et al, and by Permit 17127B issued to Potrero Hills Landfill, Inc.
2. Superseded Permit 17127 is hereby revoked, effective upon issuance of Permits 17127A and 17127B.
3. A new development schedule for Permit 17127B is approved as follows:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 31, 1990

(0000008)

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 1991

(0000009)

4. Seperate permits be issued as follows:

A. Permit: 17127A

Owner: William L. Smith and Sally L. Smith;
Mathilde Albers and Irving Loube, a
Partnership

Source: Two Unnamed Streams in Solano County
tributary to Hill Slough thence Suisun
Slough thence Suisun Bay

Use: Stockwatering and Wildlife Enhancement

Amount: 10.7 acre-feet per annum as follows:

(a) 8.5 acre-feet per annum in Emmington
Barn Reservoir and

(b) 2.2 acre-feet per annum in NW
Emmington Pond.

Season: November 1 to April 30

Point of
Diversion: Emmington Barn Reservoir - North 2,350 feet
and West 2,050 feet from SE corner of
Section 5, T4N, R1W, MDB&M, being within
NW¼ of SE¼ of said Section 5, also
described as California Coordinates,
Zone 2, N 200,600 and E 1,998,200.

NW Emmington Pond - due North 1,100 feet
from SW corner of Section 5, T4N, R1W,
MDB&M, being within SW¼ of SW¼ of said
Section 5, also described as California
Coordinates, Zone 2, N 200,900 and E
2,001,500.

Place of
use: At Emmington Barn Reservoir within NW¼ of
SE¼ of Section 5, and at NW Emmington Pond
within SW¼ of SW¼ of Section 5, and SE¼ of
SE¼ of Section 6, all within T4N, R1W,
MDB&M, as shown on map on file with State
Water Resources Control Board.

B. Permit: 17127B

Owner: Potrero Hills Landfill, Inc.

Source: An Unnamed Stream in Solano County
tributary to Hill Slough thence Suisun
Slough thence Suisun Bay

Use: Stockwatering, Wildlife Enhancement and
Fire Protection

Amount: 0.5 acre-foot per annum

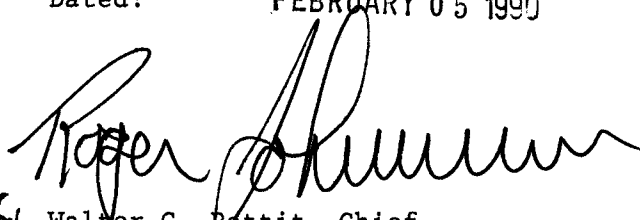
Season: November 1 to April 30

Point of
Diversion: Unnamed Reservoir - North 1,250 feet and
East 1,700 feet from SW corner of
Section 4, T4N, R1W, MDB&M, being within
SE¼ of SW¼ of said Section 4, also
described as California Coordinates,
Zone 2, N 200,800 and E 2,005,300.

Place of
use: At Reservoir within SE¼ of SW¼ of
Section 4, T4N, R1W, MDB&M, as shown on map
on file with State Water Resources Control
Board.

5. Permits 17127A and 17127B shall contain all other terms and conditions presently in Permit 17127 or updated terms to reflect present Board policy, including replacing Permit Condition 10 with the Board's continuing authority term as contained in Title 23, California Code of Regulations, Section 780(a).

Dated: FEBRUARY 05 1990


✓ Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA
~~THE RESOURCES AGENCY~~
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 24939

PERMIT 17127

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE,
AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 7 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 1, 1986

2. Paragraph 10 of this permit is deleted. A new Paragraph 10 is added as follows:

Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source.

Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

Dated: JUNE 24 1983

Raymond Walsh
Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 17127

Application 24939 of William L. Smith

1835 Green Valley Road, Suisun, California 94585

filed on November 21, 1975, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Unnamed Streams

Hill Slough thence

Suisun Slough thence

Suisun Bay

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
<u>Pit Pot Hole Reservoir</u> <u>N1000 ft and E1900 ft from SW Corner of</u> <u>Section 4</u>	<u>SE$\frac{1}{4}$ of SW$\frac{1}{4}$</u>	<u>4</u>	<u>4N</u>	<u>1W</u>	<u>MD</u>
<u>Emmington Barn Lake</u> <u>N2350 ft and W2100 ft from SE Corner of</u> <u>Section 5</u>	<u>NW$\frac{1}{4}$ of SE$\frac{1}{4}$</u>	<u>5</u>	<u>4N</u>	<u>1W</u>	<u>MD</u>
<u>N. W. Emmington Pond</u> <u>N1100 ft from SW Corner of Section 5</u>	<u>SW$\frac{1}{4}$ of SW$\frac{1}{4}$</u>	<u>5</u>	<u>4N</u>	<u>1W</u>	<u>MD</u>

County of Solano

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
<u>Stockwatering</u>	<u>Pit Pot Hole Reservoir in</u> <u>SE$\frac{1}{4}$ of SW$\frac{1}{4}$</u>	<u>4</u>	<u>4N</u>	<u>1W</u>	<u>MD</u>	
	<u>Emmington Barn Lake in</u> <u>NW$\frac{1}{4}$ of SE$\frac{1}{4}$</u>	<u>5</u>	<u>4N</u>	<u>1W</u>	<u>MD</u>	
	<u>N. W. Emmington Pond</u> <u>SW$\frac{1}{4}$ of SW$\frac{1}{4}$</u>	<u>5</u>	<u>4N</u>	<u>1W</u>	<u>MD</u>	

The place of use is shown on map filed with the State Water Resources Control Board.

17127

1/11/83 PARTIAL ASSIGNMENT TO SALLY L. SMITH, MATHILDE ALBERS AND IRVING LOUBE
(A PARTNERSHIP)

4/28/87 Wm L. & Sally Smith, Mathilde Albers,
Irving Loubé & Porters Hills Landfill Inc.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed A TOTAL OF 17.62 ACRE-Feet PER ANNUM TO BE COLLECTED FROM NOVEMBER 1 OF EACH YEAR TO APRIL 30 OF THE SUCCEEDING YEAR AS FOLLOWS: (1) 0.5 ACRE-Feet PER ANNUM IN PIT POT HOLE RESERVOIR, (2) 16.0 ACRE-Feet PER ANNUM IN EMMINGTON BARN LAKE, (3) 1.12 ACRE-Feet PER ANNUM IN N.W. EMMINGTON POND.

THIS PERMIT DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE OUTSIDE OF THE SPECIFIED SEASON TO OFFSET EVAPORATION AND SEEPAGE LOSSES OR FOR ANY OTHER PURPOSE.

(000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (000006)

~~7. Actual construction work shall begin on or before two years from date of permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.~~

~~8. Said construction work shall be completed on or before~~

7. Complete application of the water to the proposed use shall be made on or before DECEMBER 1, 1982.

(000009)

8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued.

(000010)

9. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

(000011)

10. Pursuant to California Water Code Section 100 all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (3) suppressing evaporation losses from water surfaces; (4) controlling phreatophytic growth; and (5) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

(000012)

11. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(000013)

12. AFTER THE INITIAL FILLING OF THE STORAGE RESERVOIRS, PERMITTEE'S RIGHT UNDER THIS PERMIT EXTENDS ONLY TO WATER NECESSARY TO KEEP THE RESERVOIRS FULL BY REPLACING WATER BENEFICIALLY USED AND WATER LOST BY EVAPORATION AND SEEPAGE, AND TO REFILL IF EMPTIED FOR NECESSARY MAINTENANCE OR REPAIR. SUCH RIGHT SHALL BE EXERCISED ONLY DURING THE AUTHORIZED DIVERSION SEASON.

(000041)

13. THIS PERMIT IS SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD TO REDUCE THE AMOUNT OF WATER NAMED IN THE PERMIT UPON A FINDING BY THE BOARD THAT THE AMOUNT IS IN EXCESS OF THAT REASONABLY NEEDED TO BE HELD IN STORAGE FOR THE AUTHORIZED USE. NO ACTION WILL BE TAKEN BY THE BOARD WITHOUT PRIOR NOTICE TO THE OWNER AND AN OPPORTUNITY FOR HEARING.

(000042)

This permit is issued and permittee takes it subject to the following provisions of the Water Code.

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated:

FEBRUARY 14 1978

STATE WATER RESOURCES CONTROL BOARD


EXECUTIVE DIRECTOR
~~Chief, Division of Water Rights~~